



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
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CHIEF ENGINEER FOR PROGRAM
DEVELOPMENT

October 30, 2003

Mr. Roberto Fonseca-Martinez
Division Administrator
Federal Highway Administration
P.O. Box 10249
Richmond, VA 23240-0249

Dear Mr. Fonseca

This letter is to follow up our recent conversation concerning your letter of March 28, 2003 granting Virginia "conditional provisional" acceptance of our request for tolling Virginia I-81 under Section 1216(b) of the Transportation Equity Act for the 21st Century (TEA 21).

During our discussions concerning tolling, it appeared to me it was our mutual understanding that Section 1216(b) of the above Act allows the flexibility for the states to decide the specific vehicles which are to be tolled as well as the amounts of the tolls. Therefore, we may continue to proceed with developing our I-81 pilot tolling proposal consistent with current Virginia law which allows ..."imposition of tolls for the use of Interstate Route 81 by vehicles other than passenger cars, pickup or panel trucks, and motorcycles;..."

On another concern, which we have not yet discussed, would the flexibility in Section 1216(b) also allow us to use toll revenue from Interstate Route 81 to enhance the rail capacity in the corridor if we could show a reduction of trucks traveling on Route 81 due to these improvements?

Your confirmation of the flexibility of Section 1216(b) of TEA 21 would be appreciated

Sincerely,

Malcolm T. Kerley, P.E.

Copy: Fred Altizer, Jr., P.E.
Mr. Richard C. Prezioso, Jr



U. S. Department
of Transportation

**Federal Highway
Administration**

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December 15, 2003

**Subject: I-81 Public Private Transportation
Act (PPTA) Tolling Proposals**

Mr. Malcolm T. Kerley, P.E.
Chief Engineer for Program Development
Virginia Department of Transportation
1401 East Broad Street
Richmond, VA 23219

Dear Mr. Kerley:

In response to your letter of October 30, 2003, we have looked at the two questions you posed. Our responses to each of your questions follow.

Your first question referred to Section 1216(b) of the Transportation Equity Act for the 21st Century (TEA-21) and the flexibility of this section to allow the states to decide the specific vehicles which are to be tolled, as well as the amount of the tolls. The response to this question is that Section 1216(b) allows the states the flexibility to decide who and how much to toll.

Your second question concerns the flexibility of Section 1216(b) to allow the use of toll revenue from Interstate 81 to enhance the rail capacity in the corridor if it could be demonstrated that a reduction of trucks traveling on I-81 will result as an outcome of the rail improvements. Due to the complexity and uniqueness of this question, we have done extensive research and are currently coordinating this effort with our headquarters office, due to its sensitivity and intermodal nature. We anticipate having a response by the middle of January.

Should you have additional questions regarding Section 1216(b) of TEA-21, please feel free to contact Mr. Vince Mammano or Ms. Irene Rico of my office at (804)775-3355 or (804)775-3344, respectively.

Sincerely yours,

Roberto Fonseca-Martinez
Division Administrator